

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1857 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.273-1999,
- 4 SECTION 160, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies
- 6 to a rulemaking action resulting in any of the following rules:
- 7 (1) An order adopted by the commissioner of the Indiana
- 8 department of transportation under IC 9-20-1-3(d) or
- 9 IC 9-21-4-7(a) and designated by the commissioner as an
- 10 emergency rule.
- 11 (2) An action taken by the director of the department of natural
- 12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 13 (3) An emergency temporary standard adopted by the
- 14 occupational safety standards commission under
- 15 IC 22-8-1.1-16.1.
- 16 (4) An emergency rule adopted by the solid waste management
- 17 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 18 (5) A rule, other than a rule described in subdivision (6), adopted
- 19 by the department of financial institutions under IC 24-4.5-6-107
- 20 and declared necessary to meet an emergency.
- 21 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 22 department of financial institutions and declared necessary to
- 23 meet an emergency under IC 24-4.5-6-107.

- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
 - (8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.
 - (9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
 - (10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
 - (11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.
 - (12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
 - (13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
 - (14) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
 - (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
 - (15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
 - (16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
 - (17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
 - (18) An emergency rule adopted by the alcoholic beverage commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
 - (19) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
 - (20) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
 - (21) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
 - (22) An emergency rule adopted by the office of the secretary of family and social services to implement a Medicaid waiver for adult foster care, assisted living, or adult day care services.**
- (b) The following do not apply to rules described in subsection (a):
- (1) Sections 24 through 36 of this chapter.
 - (2) IC 13-14-9.
- (c) After a rule described in subsection (a) has been adopted by the

1 agency, the agency shall submit the rule to the publisher for the
 2 assignment of a document control number. The agency shall submit the
 3 rule in the form required by section 20 of this chapter and with the
 4 documents required by section 21 of this chapter. The publisher shall
 5 determine the number of copies of the rule and other documents to be
 6 submitted under this subsection.

7 (d) After the document control number has been assigned, the
 8 agency shall submit the rule to the secretary of state for filing. The
 9 agency shall submit the rule in the form required by section 20 of this
 10 chapter and with the documents required by section 21 of this chapter.
 11 The secretary of state shall determine the number of copies of the rule
 12 and other documents to be submitted under this subsection.

13 (e) Subject to section 39 of this chapter, the secretary of state shall:

14 (1) accept the rule for filing; and

15 (2) file stamp and indicate the date and time that the rule is
 16 accepted on every duplicate original copy submitted.

17 (f) A rule described in subsection (a) takes effect on the latest of the
 18 following dates:

19 (1) The effective date of the statute delegating authority to the
 20 agency to adopt the rule.

21 (2) The date and time that the rule is accepted for filing under
 22 subsection (e).

23 (3) The effective date stated by the adopting agency in the rule.

24 (4) The date of compliance with every requirement established by
 25 law as a prerequisite to the adoption or effectiveness of the rule.

26 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and
 27 IC 22-8-1.1-16.1, a rule adopted under this section expires not later
 28 than ninety (90) days after the rule is accepted for filing under
 29 subsection (e). Except for a rule adopted under subsection (a)(14), the
 30 rule may be extended by adopting another rule under this section, but
 31 only for one (1) extension period. A rule adopted under subsection
 32 (a)(14) may be extended for two (2) extension periods. Except for a
 33 rule adopted under subsection (a)(14), for a rule adopted under this
 34 section to be effective after one (1) extension period, the rule must be
 35 adopted under:

36 (1) sections 24 through 36 of this chapter; or

37 (2) IC 13-14-9;

38 as applicable.

39 (h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires
 40 on the earlier of the following dates:

41 (1) The expiration date stated by the adopting agency in the rule.

42 (2) The date that the rule is amended or repealed by a later rule
 43 adopted under sections 24 through 36 of this chapter or this
 44 section.

45 ~~(i)~~ (i) This section may not be used to readopt a rule under
 46 IC 4-22-2.5."

- 1 Page 7, delete lines 30 through 31.
- 2 Page 9, delete lines 27 through 28.
- 3 Page 10, delete lines 22 through 23.
- 4 Page 13, between lines 35 and 36, begin a new paragraph and insert:
- 5 "SECTION 20. P.L.100-2000, SECTION 1, IS AMENDED TO
- 6 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
- 7 1. (a) The office of the secretary of family and social services shall
- 8 develop and submit to the federal Health Care Financing
- 9 Administration proposals to do the following:
- 10 (1) Fund adult foster care and assisted living services through the
- 11 Medicaid waiver program.
- 12 (2) Expand adult day care services available through the aged and
- 13 disabled Medicaid waiver.
- 14 (b) The proposals under subsection (a) must be reviewed by the
- 15 community and home options to institutional care for the elderly and
- 16 disabled (CHOICE) board established under IC 12-10-11 before the
- 17 proposals are submitted to the federal Health Care Financing
- 18 Administration regarding the following:
- 19 (1) The definitions of adult foster care and assisted living.
- 20 (2) The number of individuals to be served by each waiver.
- 21 (3) The schedule of services to be delivered to individuals served
- 22 by each waiver.
- 23 (4) Consumer eligibility standards established for each waiver.
- 24 (5) The means for expanding adult day care services.
- 25 (6) The number of individuals to be served by expanded adult day
- 26 care services.
- 27 (7) Administrative oversight standards for each waiver described
- 28 in this SECTION.
- 29 (c) The office of the secretary of family and social services must
- 30 receive input from affected providers and consumers when drafting the
- 31 language of applications for Medicaid waivers described in this
- 32 SECTION.
- 33 (d) The office of the secretary of family and social services may
- 34 submit the proposals described in this SECTION to the federal Health
- 35 Care Financing Administration as amendments to existing waivers.
- 36 (e) The proposals described in this SECTION must be submitted to
- 37 the federal Health Care Financing Administration before October 1,
- 38 2000.
- 39 (f) The office of the secretary of family and social services shall
- 40 report to the legislative council, the governor, and the CHOICE board
- 41 before January 1, 2001, regarding implementation of the provisions of
- 42 this SECTION.
- 43 (g) **The office of the secretary of family and social services may**
- 44 **not implement a waiver until the office files an affidavit with the**
- 45 **governor attesting that the federal waiver applied for under this**
- 46 **SECTION is in effect. The office shall file the affidavit under this**

1 subsection not later than five (5) days after the office is notified
2 that the waiver is approved.

3 (h) If the office of the secretary of family and social services
4 receives a waiver under this SECTION from the federal Health
5 Care Financing Administration and the governor receives the
6 affidavit filed under subsection (g), the office shall implement the
7 waiver not more than sixty (60) days after the governor receives
8 the affidavit.

9 (i) The office of the secretary of family and social services shall
10 adopt standards that an entity must meet in order to provide
11 services under a waiver required by this SECTION.

12 (j) The office of the secretary of family and social services shall
13 approve an entity that meets the standards described in subsection
14 (i).

15 (k) The office of the secretary of family and social services shall
16 adopt rules under IC 4-22-2 to implement the waiver required by
17 this SECTION.

18 (l) The office of the secretary of family and social services may
19 adopt emergency rules under IC 4-22-2-37.1 to implement the
20 waiver required under this SECTION on an emergency basis.

21 (m) This SECTION expires January 1, ~~2002~~: 2006."

22 Renumber all SECTIONS consecutively.

(Reference is to HB 1857 as reprinted February 22, 2001.)

Representative Crawford



Adopted

Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred House Bill 1857, begs leave to report that said bill has been amended as directed.

Representative Crawford